THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.987 OF 2006

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DATE: 17-01-2006

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Between:

Komati Praveen Kumar,

Son of Chalamaiah, aged 38 years,

Occ: Agriculture, resident of

Surayapalem village, Vijayawada

Rural Mandal, Krishna District.

….Petitioner

And

1. The Commissioner of Police,

Vijayawada City and 4 others.

…. Respondents.

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ORDER:

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This writ petition has been filed to declare the inaction of the second respondent in not providing protection to take out the Paddy crop from the land in R.S.No.38 of Surayapalem village, Vijayawada Rural Mandal, Krishna District, owned by the 3rd respondent, as illegal and arbitrary and consequently direct the 2nd respondent to act upon petitioner's complaint dated 24.12.2005

and the complaint submitted by the 3rd respondent dated 21.12.2005 for providing protection.

2. Heard the learned counsel for the petitioner.

3. It is stated that the petitioner is lessee of the leasehold rights to raise crops in the land admeasuring Ac.4-70 cents in R.S.No.38 situated at Surayapalem village belonging to the third respondent temple, and accordingly, petitioner raised agricultural crops and invested certain amounts. While so, respondents 4 and 5 are threatening to interfere with the petitioner's rights in the said land and restraining the petitioner from cutting the crop. It is further stated that as there is illegal interference by the respondents 4 and 5 in cutting the crop, petitioner filed a report dated 24.12.2005 before the 2nd respondent, but no action has been taken against the same.

4. Having regard to the facts and circumstances of the case, 3rd respondent is directed to take appropriate action, and if there is subsisting lease hold rights in favour of the petitioner, 3rd respondent may address a letter to the concerned police for rendering necessary police aid for taking out the Paddy crop from the land in R.S.No.38 of Surayapalem village, Vijayawada Rural Mandal, Krishna District.

5. The writ petition is, accordingly, disposed of. No costs.

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V.ESWARAIAH, J.

Date: 17th January 2006.

BSB